

OFFICE OF THE CHIEF OF POLICE

SPECIAL ORDER NO. 26

July 10, 2003

**SUBJECT: EMPLOYEE'S DUTY TO REPORT WHEN CRIMINALLY CHARGED OR NAMED AS A DEFENDANT IN CERTAIN CIVIL SUITS**

**PURPOSE:** As mandated by the federal Consent Decree, the Department has agreed to expand the list of circumstances under which sworn personnel must notify the Department when named in a civil suit or when criminally charged. This Order establishes guidelines for sworn employees to comply with this provision of the Consent Decree.

**BACKGROUND:**

- I. CIVIL SUITS AND COURT ORDERS.** Currently, Department employees are required to notify the Department when they are the subject of specific types of court orders (Manual Section 3/838.23) and when they are sued civilly for conduct within the scope of City employment (Manual Section 3/782.30). Consistent with the requirements of the Consent Decree, this duty to report regarding civil suits and court orders is being expanded. Sworn Department employees are now required to notify the Department when they are named as a defendant in any civil suit that results in a temporary, preliminary, or final adjudication on the merits in favor of a plaintiff complaining of off-duty physical violence, threats of physical violence, or domestic violence by the employee.
- II. DETENTION, ARRESTS, AND CRIME REPORTS.** Currently, Department employees are required to notify the Department when they are detained, arrested, or named as a suspect in a written crime report or complaint for any offense excluding traffic infractions (Manual Sections 3/837.10 and 3/838.20). Consistent with the requirements of the Consent Decree, this duty to report regarding detentions, arrest, and crime reports is now expanded to require sworn employees to notify the Department when they are the subject of a filing with a court by a prosecutor or grand jury charging the commission of a criminal offense.

**PROCEDURE:**

- I. DUTY TO REPORT CIVIL SUITS AND COURT ORDERS.** In addition to notification requirements established in Manual Sections 3/838.23 and 3/782.30, sworn employees shall notify their commanding officer immediately, either directly or through a supervisor, if they are:

- \* Named as a defendant in any civil suit that results in a temporary, preliminary, or final adjudication on the merits in favor of a plaintiff complaining of off-duty physical violence, threats of physical violence, or domestic violence.

**II. DUTY TO REPORT DETENTION, ARRESTS AND CRIMINAL CHARGES.**

In addition to notification requirements of detentions, arrests, or when named as a suspect in a written crime report or complaint for any offense excluding traffic infractions as outlined in Manual Sections and 3/837.10 and 3/838.20. A sworn Department employee shall notify his/her commanding officer immediately, either directly or through a supervisor of Professional Standards Bureau (PSB), if they are charged with a criminal offense by a prosecutor or a grand jury indictment.

**Note:** An individual is criminally charged when there is a filing with a court by a prosecutor or grand jury charging the commission of a criminal offense.

**III. COMMANDING OFFICER'S RESPONSIBILITY.** Commanding officers shall adhere to follow-up requirements as outlined in Manual Section 3/838.23 and 3/837.20, as applicable.

**IV. COMMANDING OFFICER, PROFESSIONAL STANDARDS BUREAU.** The Commanding Officer, PSB, shall maintain a file of all sworn employees who have been criminally charged or named as a defendant in the types of civil suits outlined in this Order. The Commanding Officer, PSB, shall be responsible for personnel investigations consistent with Manual Sections 3/837.10 and 3/838.23.

**AMENDMENTS:** This Order amends Section 3/837.10 and 3/838.23 of the Department Manual.

**AUDIT RESPONSIBILITY:** The Commanding Officer, PSB, shall monitor compliance with this directive in accordance with Department Manual Section 0/080.30

**WILLIAM J. BRATTON**  
Chief of Police

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